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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA18-185

Filed: 2 October 2018

Cabarrus County, Nos. 16 CRS 52336, 52338, 52389–91

STATE OF NORTH CAROLINA

v.

ANTONIO LAMAR CROWDER

Appeal by defendant from judgments entered 23 August 2017 by Judge Martin B. McGee in Cabarrus County Superior Court. Heard in the Court of Appeals 27 September 2018.

Attorney General Joshua H. Stein, by Assistant Attorney General Mary S. Crawley, for the State.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender Jillian C. Katz, for defendant.

DIETZ, Judge.

Defendant Antonio Lamar Crowder appeals the trial court's judgments revoking his probation for absconding. As explained below, the State presented sufficient evidence that Crowder willfully made his whereabouts unknown to his supervising probation officer, including Crowder's own admission that he was

“avoiding supervision because [he] didn’t want to go back to jail” after violating other conditions of his probation. Thus, the trial court acted well within its sound discretion in revoking Crowder’s probation.

Facts and Procedural History

On 1 December 2016, Defendant Antonio Lamar Crowder pleaded guilty to five counts of misdemeanor larceny and five counts of conspiracy to obtain property by false pretenses. The trial court sentenced Crowder to two consecutive terms of 10 to 21 months in prison. The trial court suspended both sentences, placed Crowder on 36 months of supervised probation, and ordered him to serve a 90-day active term. Crowder also was ordered to pay a fine, costs, restitution, and a probation supervision fee.

On 15 June 2017, Crowder’s probation officer filed two violation reports alleging that Crowder absconded from supervision and violated various other conditions of his supervised probation. Following a hearing, the trial court determined that Crowder willfully violated all the conditions of his probation alleged in the two violation reports. The trial court revoked his probation and activated his suspended sentences. Crowder appealed.

Analysis

Crowder argues that the trial court abused its discretion in revoking his probation because there was insufficient evidence that he absconded from supervision. We disagree.

“[A] proceeding to revoke probation is not a criminal prosecution and is often regarded as informal or summary. Thus, the alleged violation of a valid condition of probation need not be proven beyond a reasonable doubt.” *State v. Murchison*, 367 N.C. 461, 464, 758 S.E.2d 356, 358 (2014) (citations omitted). On appeal, this Court reviews a trial court’s determination that a defendant violated the conditions of probation for abuse of discretion. *Id.*

The trial court may revoke a defendant’s supervised probation if the defendant absconds “by willfully avoiding supervision or by willfully making the defendant’s whereabouts unknown to the supervising probation officer.” N.C. Gen. Stat. §§ 15A-1343(b)(3a), 15A-1344(a). Here, the State presented evidence that Crowder absconded supervision by leaving his place of residence on 21 April 2017 without prior approval or knowledge of his probation officer and that he failed to make his whereabouts known to his probation officer for several months. Crowder’s probation officer and other law enforcement officers repeatedly tried (unsuccessfully) to locate Crowder during this time—both by visiting his last known address and by calling the telephone number he provided. Despite these efforts, Crowder’s probation officer was

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unable to locate or contact Crowder for nearly two months. Moreover, at the probation hearing, Crowder admitted that he willfully avoided reporting his whereabouts to his probation officer because he knew he had violated other conditions of his probation:

Q. So, Mr. Crowder, you admit that you were avoiding supervision because you didn't want to go back to jail?

A. Yes, ma'am.

In light of this evidence, the trial court acted well within its sound discretion in determining that Crowder absconded and, accordingly, revoking Crowder's probation. *State v. Trent*, __ N.C. App. __, __, 803 S.E.2d 224, 230–31 (2017); *State v. Sellers*, 185 N.C. App. 726, 728–29, 649 S.E.2d 656, 657–58 (2007).

Crowder also argues that the trial court improperly indicated that it revoked his probation based on other alleged violations that do not permit revocation. We need not address this argument because the trial court indicated in its judgment that “[e]ach violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.” Because we hold that the trial court properly revoked Crowder's probation based on absconding, we need not consider whether the court properly revoked his probation on other grounds. *See State v. Hancock*, __ N.C. App. __, __, 789 S.E.2d 522, 525 (2016).

Conclusion

We affirm the trial court's judgments.

AFFIRMED.

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Judges STROUD and MURPHY concur.

Report per Rule 30(e).